

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRION HARVEY,

Plaintiff,

v.

Case No. 2:24-cv-10248

District Judge George Caram Steeh

Magistrate Judge Kimberly G. Altman

JASON HUBBLE, QUENTIN
MARINO, UNKNOWN MARIO,
JASON HUISKENS, JAMES
MARQUEZ, JEFF
BRECHTELSBAUER, and ERIC
WEBER,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO
EXTEND THE SCHEDULING ORDER (ECF No. 16)**

AND

**GRANTING DEFENDANTS' MOTION TO
TAKE PLAINTIFF'S DEPOSITION (ECF No. 17)**

AND

**DIRECTING THE CLERK TO UPDATE
PLAINTIFF'S ADDRESS**

I. Introduction

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff Terrion Harvey (Harvey), proceeding *pro se*, alleges that Jason Hubble (Hubble) or Quentin Marino (Marino) sexually assaulted him while he was confined in the Saginaw County Jail and defendants Mario, Jason Huiskens (Huiskens), James Marquez

(Marquez), Jeff Brechtelsbauer (Brechtelsbauer), and Eric Weber (Weber) failed to prevent or stop it.¹ *See* ECF No. 1. Defendants are all corrections officers at the Saginaw County Jail. (ECF No. 11, PageID.37-38). Under 28 U.S.C. § 636(b)(1), all pretrial matters have been referred to the undersigned. (ECF No. 13).

Before the Court are Hubble, Marino, Huiskens, Marquez, Brechtelsbauer and Weber's motion to extend the scheduling order and motion to take Harvey's deposition. (ECF Nos. 16, 17). For the reasons discussed below, the motion to extend will be GRANTED, and the motion to take Harvey's deposition will be GRANTED. In addition, the Clerk is directed to update Harvey's address to reflect that he has been transferred to the Ionia Correctional Facility.

II. Discussion

A. Motion to Extend the Scheduling Order

Under the current scheduling order, discovery closed on September 23, 2024, and dispositive motions are due by October 23, 2024. (ECF No. 15). On September 24, 2024, defendants moved to extend these deadlines by 60 days. (ECF No. 16). Defendants explain that Harvey moved facilities and did not update his address with the Court, so they have been unable to serve him with discovery

¹ In their answer, defendants deny that Mario is a person who is employed as an officer at the Saginaw County Sheriff's Department.

requests or a deposition notice. (ECF No. 16, PageID.70-71). As such, the Court finds good cause to grant an extension.

B. Motion to Take Harvey's Deposition

Federal Rule of Civil Procedure 30 provides broad access to persons for depositions. Rule 30(a)(2)(B), however, requires a party to obtain leave of court where, as here, "the deponent is confined in prison." In determining whether it is appropriate to grant leave to conduct such a deposition, Rule 30(a)(2) provides that "the court must grant leave to the extent consistent with Rule 26(b)(1) and (2)[.]"

According to Rule 26(b)(1), the scope of discovery is as follows:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

Thus, the "language of Rule 30(a)(2) *requires* the Court to authorize a deposition unless the deponent is seeking privileged, irrelevant, or unnecessarily costly information." *McGinnis v. Huq*, No. 16-cv-13461, 2017 WL 1044989, at *1 (E.D. Mich. Mar. 20, 2017) (emphasis in original).

Considering these factors, the Court concludes that defendants' request to depose Harvey is consistent with the applicable Federal Rules of Civil Procedure and otherwise appropriate.

C. Harvey's Address

In their motion, defendants explain that they discovered Harvey is no longer incarcerated at Macomb Correctional Facility, his address of record. (ECF No. 16, PageID.70). The Court has searched Michigan's Offender Tracking System and discovered that Harvey is now incarcerated at the Ionia Correctional Facility. The Clerk is directed to update Harvey's address to:

Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Harvey is cautioned that this is a one-time courtesy. Going forward, Harvey is expected to update the Court with any changes to his address in accordance with the Court's requirements. *See* ECF No. 5.

III. Conclusion

For the reasons discussed above, defendants' motion to extend the scheduling order, (ECF No. 16), is GRANTED. The parties shall adhere to the following schedule:

DISCOVERY CUT OFF:	December 23, 2024
DISPOSITIVE MOTIONS:	January 23, 2025
JOINT FINAL PRETRIAL STATEMENTS:	TO BE SCHEDULED
TRIAL BRIEFS, MOTIONS IN LIMINE:	TO BE SCHEDULED
PRETRIAL CONFERENCE:	TO BE SCHEDULED

TRIAL DATE:

TO BE SCHEDULED

Additionally, defendants' motion to take Harvey's deposition, (ECF No. 17), is GRANTED. While it appears that Harvey is currently confined at the Ionia Correctional Facility, defendants may depose him at whichever MDOC facility he is confined to on the date of the deposition. Defendants may conduct Harvey's deposition either in person or via Zoom or another similar platform.

Finally, the Clerk is directed to update Harvey's address as indicated above.

SO ORDERED.

Dated: September 26, 2024
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 26, 2024.

s/Julie Owens
Case Manager